

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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GARDEN FRESH SALSA CO., INC.,

Plaintiff,

v.

Case No. 10-12708

GARDEN FRESH FOODS, INC.,

Defendant.

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**ORDER TERMINATING PLAINTIFF'S EMERGENCY MOTION  
FOR TEMPORARY RESTRAINING ORDER**

On August 2, 2012, Plaintiff filed an emergency motion for a temporary restraining order in this closed case, premising its request for relief on Defendant's alleged breach of the settlement agreement that led to the court's dismissal of this action. The court discussed the matter with counsel for the parties on August 3, 2012, in a telephone conference, which was continued to August 8, 2012, in order to allow the parties to attempt a resolution without court intervention. During the August 8 conference, Plaintiff's counsel indicated that the immediacy precipitating his filing had dissipated, and he wished to withdraw the motion.<sup>1</sup> Accordingly,

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<sup>1</sup>The court has expressed to counsel its doubts over whether it would have jurisdiction to entertain this motion, were it still pending, absent a basis for federal jurisdiction over the breach-of-contract controversy concerning the parties' settlement agreement. See *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375, 378 (1994); *Limbright v. Hofmeister*, 566 F.3d 672, 674-75 (6th Cir. 2009). Should Plaintiff wish to seek any further relief from the court based upon the parties' settlement agreement, it must adequately allege facts that satisfy the court of its jurisdiction.

IT IS ORDERED that Plaintiff's "Emergency Motion for Temporary Restraining Order" [Dkt. # 22] is TERMINATED at Plaintiff's request and with Defendant's concurrence.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 9, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 9, 2012, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522